

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Aug 02, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JERRIANNE D.,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

NO: 1:20-CV-03124-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. §405(g). ECF No. 21. The Plaintiff is represented by Attorney D. James Tree. The Defendant is represented by Special Assistant United States Attorney Ryan Lu.

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER ~ 1

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion for Remand, ECF No. 21, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. §405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Council shall affirm the established onset date of disability of June 1,
6 2016, and direct the Administrative Law Judge (ALJ) to reconsider the period the
7 relevant period prior to the established onset, including: exhibit and consider the
8 evidence from Central Washington Comprehensive Mental Health (24 pages) dated
9 October 6, 2015, to January 28, 2016; obtain evidence from a medical expert
10 regarding the nature and severity of Plaintiff's mental impairments and whether
11 Plaintiff met or medically equaled a Listing; reassess the opinion evidence,
12 including the opinion of John Luzanchuk, D.O.; continue the sequential evaluation,
13 as warranted; give Plaintiff an opportunity for a hearing; and issue a new decision
14 for the period prior to June 1, 2016.

15 The parties stipulate that this case be reversed and remanded to the ALJ on
16 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
17 matter is remanded to the Commissioner for additional proceedings pursuant to
18 sentence four 42 U.S.C. 405(g). Upon proper presentation, this Court will consider
19 Plaintiff's application for costs and attorney's fees under 28 U.S.C. § 2412(d).

20 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
21 Judgment, ECF No. 14, is **DENIED** as moot, given the parties' motion for remand.

1 The District Court Executive is hereby directed to enter this Order and provide
2 copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the file.

3 **DATED** August 2, 2021.

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5 *s/Fred Van Sickle*
6 Fred Van Sickle
7 Senior United States District Judge
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